

**AUCTIONEER BOARD MEETING
MINUTES
FEBRUARY 24, 2003**

PRESENT: Richard Lust, Jay Clarke, Mark Shain, and Marie Skic

EXCUSED: Carl Theorin

STAFF PRESENT: Patricia Hoeft, Division Administrator; Roxanne Peterson, Pat Schenck, Program Assistant; William Dusso, Legal Counsel; and Gene Kleinert, Auditor

GUESTS: None

CALL TO ORDER

The meeting was called to order at 9:21 a.m. by Richard Lust, Chair. A quorum of four members was present.

AGENDA

Additions to the Agenda:

- Move Item #3 Adoption of the Agenda to Item #2.
- Move Item #2 Election of Officers Item #3.
- Add Introduction of Secretary Strong-Hill to Item #5.
- Add Under Item #13 New Business, Vacant Positions

MOTION: Marie Skic moved, seconded by Jay Clarke, to adopt the agenda, as amended. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Jay Clarke moved, seconded by Mark Shain, to retain the current Board officers. Motion carried unanimously.

The following is a list of officers for the Auctioneer Board:

ELECTION RESULTS	
Board Chair	Richard O. Lust
Board Vice Chair	Marie Skic
Board Secretary	Carl Theorin

APPROVAL OF OCTOBER 28, 2002 MINUTES

Amendments to the Minutes:

- Under Agenda Heading: in motion delete the name Jay.
- Move Adjourn Closed Session Section to before Stipulations Section.

MOTION: Marie Skic moved, seconded by Jay Clarke, to approve the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Roxanne Peterson introduced Secretary Donsia Strong Hill, Deputy Secretary Mary Schlaefer, and Patricia Hoeft, Division Administrator for Board Services.

Secretary Strong Hill and Deputy Secretary Schlaefer discussed future goals and budget concerns such as fee increases, on-line licensing of professions, and possible budget cuts. The Board shared with the Secretary their concerns regarding forfeitures and penalties and how it could be better utilized.

ROSTER

Roxanne Peterson will make the following roster changes:

- ◆ Jay Clarke has a second e-mail address: jayclarke@charter.net
- ◆ Replace Clete Hansen's name with Patricia Hoeft

The Board discussed that two Board terms will expire in May 2003 and currently the Board has two additional vacancies. The Board was informed that Board membership recommendations for new members would be welcomed and should be sent to Patricia Hoeft.

MEETING DATES FOR 2003

The Board noted that the screening panel will meet on March 24, 2003. The next Board meeting is scheduled for April 21, 2003.

TO-DO LIST

The list was noted and all items have been addressed.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The Board noted there are no reports relating to auctioneers.

Ms. Peterson informed the Board that the press release regarding Leonard Hamele, Registered Auctioneer, was sent.

LEGISLATION

Roxanne Peterson informed the Board that Christopher Klein, Executive Staff Assistant, is the new legislative liaison for the Department. The Board requested that if any legislation containing the word “auction or auctioneer” is introduced that the Board be notified.

ADMINISTRATIVE RULES

Roxanne Peterson stated that there is nothing new to report at this time.

MANDATORY CONTINUING EDUCATION

Dr. Barbara Showers and Lydia Bridge presented updated applications regarding continuing education to the Board. The applications were developed for schools or individual Auctioneer’s to apply for approval of the courses they would like to offer or instruct for full-filling Auctioneer education requirements. Dr. Showers worked on identifying accredited instructors, courses and schools for continuing education. Ms. Bridge will incorporate any revisions recommended by the Board to the application forms.

The Board designated Jay Clarke as the CE Liaison for the Board. Richard Lust would be the alternative, if needed. It was noted that any Board member can be an instructor, however can’t receive payment.

The Board would like to explore the possibility of whether the Real Estate Board would approve the auctioneer course for satisfaction of both real estate and auctioneer requirements.

Examination issues were discussed. The Board recommended that a committee be created to review specifications and questions for an exam. The Board asked if there was a way for applicants to take the exam at other test sites. Dr. Showers will explore that possibility. At this time there will be no test-out exam until later in the year.

MOTION: Marie Skic moved, seconded by Mark Shain, for Jay Clarke and Richard Lust to participate in the sub-committee for CE and Examination Review. Motion carried unanimously.

DISCUSSION REGARDING CLARIFICATION OF ARRANGEMENTS BETWEEN REAL ESTATE BROKERS AND AUCTIONEERS WHEN AN AUCTIONEER CALLS AN AUCTION ON REAL ESTATE AND IF IT DOES NOT SELL AT AUCTION, CAN THE EVENTUAL BUYER BE MADE TO PAY A BUYER’S FEE

The Board stated the answer is no.

DISCUSSION REGARDING CONTRACTS AND CONTRACT JUMPING

The Board had a lengthy discussion regarding correspondence from Jack Hines regarding contract jumping. A letter will be sent to Mr. Hines advising that this issue will be addressed at a future meeting.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

CORRESPONDENCE REGARDING DISCIPLINARY ACTIONS

The Board discussed the possibility of increasing the fee limits for forfeitures and penalties.

The Board discussed the Department's process for handling disciplinary information sent from other states. Roxanne Peterson advised that the information is double checked on the Wisconsin system to identify whether these individuals are licensed here.

Roxanne Peterson advised that the Department notifies NALLOA of any Wisconsin disciplinary actions taken against a licensee.

CORRESPONDENCE REGARDING AUCTIONEER ISSUES AND GARAGE SALES

The Board discussed tag sales or garage sales and determined they are not under the jurisdiction of the Board.

PRESS RELEASE REGARDING TIMELINE ON SENATE CONFIRMATIONS RECEIVED

The Board noted the press release that Representative Al Ott reintroduced a proposal, based on 2001 Assembly Bill 520, that would establish a timeline of 180 days for the State Senate to confirm or reject gubernatorial appointees. If no action were taken during this six month period, appointees would be automatically confirmed.

CORRESPONDENCE REGARDING SETTLEMENT CONFERENCE FOR LEONARD (LARRY) HAMELE

A press release regarding Leonard (Larry) Hamele went out on January 7, 2003.

NEW BUSINESS

REGULATORY DIGEST

The Board was asked to send any articles for the regulatory digest to Patty Hoeft.

THANK YOU TO CLETE HANSEN

MOTION: Mark Shain moved, seconded by Marie Skic, that a letter be sent to Clete Hansen extending the Board's gratitude for his service with the Board. Motion carried unanimously.

THANK YOU TO LARRY FINLEY AND DAVID HUEBSCH

MOTION: Jay Clarke moved, seconded by Mark Shain, that letters be sent to Larry Finley and David Huebsch expressing the Board's appreciation for their serve on the Auctioneer Board. Motion carried unanimously.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Marie Skic moved, seconded by Mark Shain, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on stipulations, administrative warnings; case closings and monitoring cases. Motion carried by a roll call vote: Richard Lust - yes; Marie Skic - yes; Jay Clarke - yes; and Mark Shain - yes. Motion carried unanimously.

Open Session recessed at 11:17 a.m.

The Board deliberated on two stipulations, one administrative warning, and three proposed case closings.

RECONVENE TO OPEN SESSION

MOTION: Mark Shain moved, seconded by Jay Clarke, to adjourn the Closed Session and to reconvene in Open Session at 12:03 p.m. Motion carried unanimously.

VOTING ON ITEMS FROM CLOSED SESSION

STIPULATIONS

AZAM M. KAHN (GREAT FALLS, VA)

MOTION: Mark Shain moved, seconded by Jay Clarke, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Azam M. Kahn. Motion carried unanimously.

LONNIE G. NIXON d/b/a NIXON AUCTIONEERS (LAUREL, NE)

MOTION: Jay Clarke moved, seconded by Marie Skic, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Lonnie G. Nixon d/b/a Nixon Auctioneers. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Marie Skic moved, seconded by Jay Clarke, to issue an administrative warning for case **00 AUC 018**. Motion carried unanimously.

CASE CLOSINGS

MOTION: Jay Clarke moved, seconded by Marie Skic, to close case
02 AUC 004 for insufficient evidence. Motion carried unanimously.

MOTION: Jay Clarke moved, seconded by Marie Skic, to close case
02 AUC 025 for insufficient evidence. Motion carried unanimously.

MOTION: Mark Shain moved, seconded by Marie Skic, to close case
02 AUC 030 for no violation. Motion carried unanimously.

ADJOURNMENT

MOTION: Marie Skic moved, seconded by Jay Clarke, to adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 12:24 p.m.